



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$130,186.10).

MEETING DATE: September 20, 2006 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement Litigation in the total amount of \$129,450.90, and Various other cases being held by Outside Counsel in the amount of \$735.20.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; Kronick, Moskovitz, Tiedemann & Girard; and JAMS Mediation Service, for services incurred relative to the Environmental Abatement Program litigation, and various other matters that are currently outstanding and need to be considered for payment.

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Water Acct. Total Amount
8002	96861	7/30/2006	People v M&P Investments	\$22,047.56
				\$ (650.00)
8003	96862	7/30/2006	Hartford Insurance Coverage Litigat	\$105,045.76
				(\$2,840.00)
8008	96863	7/30/2006	City of Lodi v. Envision Law Group	\$5,062.38
	13606	7/30/2006	Keith O'Brien/PES Environmental,In	\$225.00
	6268	6/30/2006	Peter Krasnoff,West Envir.Service	\$292.50
				\$129,183.20

Kronick Moskovitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount	Distribution 100351.732	Water Acct.
11233.019	227478	08/25/06	Claims by Envir.Consultants	\$267.70		\$267.70
11233.027	227478	08/25/06	Citizens for Open Govt.v.Col	107.95	107.95	
11233.029	227478	08/25/06	AT&T v. City of Lodi	627.25	627.25	
				\$1,002.90	735.20	\$267.70

APPROVED:

Blair King, City Manager

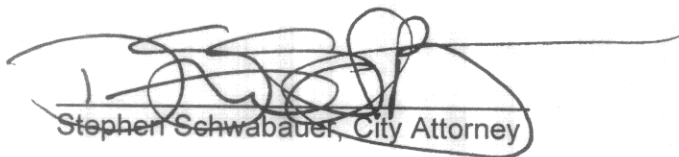
FISCAL IMPACT: Expenses in the amount of \$735.20 will be paid out of the General Fund with \$107.95 of that amount billed to Walmart for City's defense of the Citizens for Open Government litigation. The remaining expenses will be paid out of the Water Fund.

FUNDING AVAILABLE:	Water Fund	\$129,450.90
	General Fund	\$ 735.20

Approved:


Ruby Paiste, Financial Services Manager

Approved:


Stephen Schwabauer, City Attorney

PCE/TCE Litigation
6-Month Budget Recap (July - December 2006)

JULY

Matter	6-Month Budget*	Opening Balance for 6-Month Budget	One Month Amount	Amount Billed July**	Variance from Monthly Amount	Remainder 6-Month Budget	Cumulative Billed In 6-Mo. Budget Period
M&P, Related Cases includes matters 8001, 8002, 8007	\$ 742,500	\$ 742,500	\$ 123,750	\$22,048	-\$101,702	\$720,452	\$22,048
Hartford Action 8003	\$ 835,000	\$ 835,000	\$ 139,167	\$105,046	-\$34,121	\$729,954	\$105,046
Envision Claims 8008	\$ 365,000	\$ 365,000	\$ 60,833	\$5,062	-\$55,771	\$359,938	\$5,062
Totals	\$ 1,942,500	\$1,942,500	\$ 323,750	\$132,156	-\$191,594	\$1,810,344	\$132,156

*Approved by City Council at the midpoint of \$1,942,500 million.

**Invoices dated August 17, 2006 for period July 1 through July 31, 2006.

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